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Re:	Application of:	Neville et al.
	Serial No.:	10/648,414
	Filed:	August 26, 2003
	For:	Peripheral Device Diagnostic Method And Architecture
	Group Art Unit:	2145
	Confirmation No.:	4003
	Examiner:	Melvin H. Pollack
	MMB Docket No.:	1776-0035

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets. This paper is filed by the Attorney of Record.

## REMARKS

### I. Reasons for Review

The Examiner has failed to make out a prima facie case of obviousness with respect to claims 1-22. In general, the *clear error in the Examiner's rejection* is that none of the cited references disclose or suggest a method in which a backend server sends one of a directive web page requesting more information from the peripheral device and a human readable web page that contains diagnostic results. Likewise none of the cited references teach or suggest a backend server that is adapted to construct and transmit a directive web page to a peripheral requesting more information in response to a peripheral device HTTP message having insufficient information, or a human readable web page to a web browser executing in a computer coupled to the peripheral device in response to the peripheral HTTP message having sufficient information.

#### A. Discussion of the Missing Limitations

All of the claims relate to a method or system in which a web server in a peripheral device sends an HTTP message comprising peripheral device functionality information that is forwarded to a backend server that constructs and sends a directive web page to a peripheral device requesting more information in response to a peripheral device HTTP message having insufficient information, or a human readable web page to a web browser executing in a computer coupled to the peripheral device in response to the peripheral HTTP message having sufficient information. The independent method claims containing these limitations are claims 1 and 6 while the independent system claim is claim 12. These claims were amended to include these limitations in the Response to Office Action mailed September 21, 2007.

B. The Examiner's Rejection

The Examiner relies upon the three way combination of U.S. Patent No. 7,013,410 to Assauchi (hereinafter "Assauchi") in view of U.S. Patent No. 6,879,973 to Skanning et al. (hereinafter "Skanning") and U.S. Patent No. 6,209,048 to Wolff (hereinafter "Wolff"). The Assauchi reference uses the word "browser" once to describe an application program executing in a computer coupled directly to a printer and through the internet to a support center. *Assauchi*, col. 4, lines 15-20; FIG. 1. Communication between the user and the support center and between the printer and the support center occurs, however, through the client side agent. *Assauchi*, col. 7, lines 53-67; col. 8, lines 29-41; FIG. 10. Nowhere is the communication between the client side agent and server side agent described as being conducted within the HTTP protocol and certainly not through the browser executing in the computer coupled to the printer.

Skanning discloses a system in which a customer uses a web-browser executing in a computer coupled to a printer to interact with a diagnostic system operating at a web server to troubleshoot printer problems. The *customer* may obtain data from either the printer or the printer server to respond to the diagnostic system through the web-browser/web server link. *Skanning*, col. 8, line 58 - col. 9, line 5; col. 9, lines 16-21; FIG. 3. Thus, Skanning does not teach or suggest the diagnostic center constructing and sending either a directive web page or a human readable page in response to an HTTP message received from the peripheral device. The diagnostic center in Skanning only generates and sends human readable communication between the diagnostic center and the web browser of the computer in which the browser is executing.

In Wolff, a peripheral is provided with a web server, which enables users to

communicate and obtain data directly from the peripheral device through forms identified by Universal Resource Locators (URLs). The web server in Wolff provides direct communication with other computers through the internet. This feature enables the web server to dispense with the need for a host computer. *Wolff*, col. 10, lines 25 – 33. Thus, *Wolff* teaches away from the claimed invention in which HTTP messages from a peripheral device are forwarded to a backend server by a browser executing in a computer coupled to the peripheral device.

C. Explanation of Clear Error

Applicant respectfully submits that the Examiner has not established that any reference teaches a backend server that constructs and sends one of a directive web page and a human readable page in response to an HTTP message that was forwarded from a peripheral device. *Skanning* teaches that a user provides the information obtained from a printer or a printer server, but the browser in *Skanning* does not forward an HTTP message received from the peripheral device and the peripheral device in *Skanning* does not send an HTTP message. No such forwarding occurs in *Wolff* as *Wolff* teaches that incorporation of a web server in a peripheral device does away with the need to have a host computer. Thus, a diagnostic system communicating with a peripheral device, according to *Wolff*, would not need to construct and send a human readable page to the peripheral. Generating and sending either a directive web page or a human readable page is simply unnecessary in *Wolff*. Although *Assauchi* does disclose a system for three way communication between a diagnostic system, a peripheral device, and a computer coupled to the peripheral device, it does not teach or suggest that such communication occurs through the browser in the computer coupled to the peripheral.

The only map for combining the components of the three references to enable three way communication between a diagnostic system, a peripheral device, and a computer coupled to the peripheral device is contained in the Applicants' specification. Such hindsight use of Applicants' specification, of course, is not permissible. Thus, the obviousness ground of rejection is not properly supported by the cited references and should be withdrawn.

## **II. Conclusion**

For all of the foregoing reasons, Applicants respectfully submit that the application is in a condition for allowance. Favorable reconsideration and allowance of this application are, therefore, earnestly solicited.

Respectfully Submitted,

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